

PART-IV**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH*****Correction Slip***

The 20th March, 2018

No. 173 Rules/II.D4 Dated 15-03-2018.— Rule 6 Part C of the Rules and Orders of Punjab and Haryana High Court, Volume-V is substituted as follows:-

RULES FRAMED BY THE HIGH COURT OF PUNJAB AND HARYANA UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961.

Procedure for enrollment of Senior Advocate

[Rules modified by way of substitution, as per norms/guidelines laid down by Hon'ble Supreme Court of India in Writ Petition (Civil) No. 454 of 2015 (Under Article 32 of the Constitution of India) titled as Ms. Indira Jaising Vs. Supreme Court of India and others]

1. An Advocate shall be eligible to be designated as a Senior Advocate, if he or she is an Advocate, duly registered with a Bar Council constituted under the Advocates Act, 1961 and is ordinarily practicing in the Punjab and Haryana High Court or in a court subordinate to it for a period of not less than 10 years;
2. All matters relating to designation or senior advocates shall be dealt with by a Permanent Committee to be known as “Committee for Designation of Senior Advocates”;
3. The Permanent Committee will be headed by the Chief Justice and consist of two senior-most judges. The Advocates General of Punjab and Haryana will be [ex officio members] of the Permanent Committee. The above five Members of the Permanent Committee will nominate another Member of the Bar to be the sixth Member of the Permanent Committee;
4. The said Committee shall be assisted by Registrar (Rules) of this Court and his/her office shall work as its permanent Secretariat.
5. All applications including written proposals by the judges will be submitted to the Secretariat. On receipt of such applications or proposals from Judges, the Secretariat will compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned including his/her professional involvement/participation in pro bono work; reported and unreported judgments in which the Advocate(s) concerned had appeared; the number of such judgements for the last five years.
6. The source(s) from which information/data will be sought and collected by the Secretariat will be as decided by the Permanent Committee.
7. The Secretariat will publish the proposal of designation of a particular Advocate on the official website of this Court inviting the views and suggestions of other stakeholders in the proposal designation;
8. After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Permanent Committee to be obtained in respect of any particular candidate is collected, the Secretariat shall put up the case before the Permanent Committee for scrutiny;
9. The Permanent Committee will examine each case in the light of the data provided by the Secretariat of the Permanent Committee; interview the concerned Advocate; and make its overall assessment on the basis of a point-based format or weighted criteria indicated below:

Sr. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrolment. (10 points for 10-20 years of practice; 20 points for practice beyond 20 years)	20 points
2.	Judgments (Reported and unreported) which indicate the legal formulations advanced by the Advocate concerned in the course of the proceedings of the case; pro bono work done by the applicant Advocate concerned; domain expertise of the applicant Advocate in a particular field and in various branches of law.	40 points
3.	Test of Personality and Suitability on the basis of interview/interaction.	25 points

10. All the names that are listed before the Permanent Committee/cleared by the Permanent Committee shall be placed before the Full Court for approval.
11. Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable with reasons in writing. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
12. The Advocate under consideration shall be called upon to file an undertaking, that after being so designated, he/she will not draft or sign pleadings in any Court, shall in all cases be assisted by another Advocate, shall not directly give consultation to any litigant, and shall not make any mention or seek an adjournment in any Court.
13. Upon designation of an Advocate as Senior Advocate, he or she shall give an undertaking to appear and argue gratis at least ten cases pro-bono in a year as Legal Aid cases.
14. The registry shall notify the result of the proposal to the Advocate concerned, and intimation shall also be sent to the High Court Bar Association, Bar Council of Punjab and Haryana, Bar Council of India and Registrar, Supreme Court of India.
15. The said Advocate shall thereafter be designated as Senior Advocate in all the proceedings of the Court.
16. The Chief Justice may *suo-motu* or on the written proposal/s by the Judge/s submitted as per Ruls 5 above, subject to approval of Full Court, confer the honour to an Advocate by designating him or her as Senior Advocate.
17. In the event a Senior Advocate is found guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision and recall the same.
18. The High Court by simple majority shall withdraw the designation of a Senior Advocate, in case, it is found that he has acted in violation of the undertaking given before such designation; has committed professional misconduct; has shown intemperate behaviour in Court; has been found invariably negligent in discharge of professional duties; has failed to maintain at least two junior advocates in his office or on any other valid ground.
19. All the cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years by following the manner indicated above, as if the proposal is being considered afresh;

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES.

B.B.S. TEJI,
Registrar (Rules),
for Registrar General.